

**VILLAGE OF ESTERO DESIGN REVIEW BOARD
MEETING OF NOVEMBER 12, 2015**

The Village of Estero Design Review Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Albert O'Donnell and Board Members W. Scott Anderson, Joe McHarris, William Prysi, Gerald Simons, James Tatoes, and Patty Whitehead. Absent: Board Member Barry Jones.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman O'Donnell called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman O'Donnell led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Member Jones.

4. APPROVAL OF AGENDA

Chairman O'Donnell noted that the applicant for agenda item 5(e)(1) Public Hearing for Proposed Florida Veterinary Referral Center Development Order inquired whether their hearing could be considered first.

Board Member Prysi moved approval of the agenda, with discussion of agenda item 5(e)(1), Public Hearing for Proposed Florida Veterinary Referral Center Development Order, prior to 5(d) Public Information Meetings, seconded by Board Member Simons, called and carried unanimously, with Board Member Jones absent.

Chairman O'Donnell provided clarification of Board procedures and called for Board Member disclosure of ex parte contacts and conflicts of interest. Board Member Prysi declared conflict of interest regarding agenda item 5(d)(3).

All audience members and staff providing testimony were sworn in by Village Clerk Kathy Hall.

5. BUSINESS

(a) Approval of Minutes

(1) October 28, 2015

Board Member Whitehead noted a correction to the spelling of herbaceous on page 4. Board Member Prysi moved approval of the October 28, 2015 minutes as amended, seconded by Board Member Anderson, called and carried unanimously, with Board Member Jones absent.

(b) Unfinished Business

None.

(c) Consent Agenda

None.

Note: Agenda item 5(e)(1) was considered prior to agenda item 5(d) Public Information Meetings.

(d) Public Information Meetings

(1) Dunkin Donuts / Valvoline

Development Order for property located at Corkscrew Road and Ben Hill Griffin Grand Oak Shoppes (Development Order not submitted yet) (District 7)

Community Development Director Gibbs provided a brief introduction.

Matt Morris, Morris Engineering, through a PowerPoint presentation, provided information regarding: location of site; site plan; landscape plan; site data; surrounding shopping center; Dunkin Donuts elevation and Valvoline elevation.

In response to an inquiry regarding the dumpster, Mr. Morris responded that the dumpster would be screened and served both businesses; however, there would be a secondary dumpster that would serve the Valvoline site for oil, etc. Brief discussion followed regarding parking.

Chairman O'Donnell called for public comment and no one came forward.

Discussion ensued regarding customers walking from Valvoline to Dunkin Donuts, as well as accessing the public sidewalk on Ben Hill Griffin Parkway, and the standard within the community that there be internal connectivity.

Tom McLean, audience member, stated that he went to Valvoline yesterday and stayed in his truck.

Further discussion followed regarding internal connectivity.

Carlos Sobrin, Operations Manager for the Dunkin Donuts building, was asked whether they had reviewed the Estero design guidelines and he responded that he had reviewed them; he also indicated that they could add some articulation to the building design to be compatible with the style of the community. It was noted that some of the details of the buildings should match other nearby structures; it should be localized to the center and to the Estero community, with colors, materials, shapes, etc. Mr. Sobrin agreed to convey the concerns.

Matt Morris stated that he would do his best to convey the concerns to the architect for Valvoline as well.

Discussion followed regarding the coffee cup design on the Dunkin Donuts exterior wall and signage for the businesses. It was noted that a business sign application could be brought back at the time of public hearing.

Community Development Director Gibbs commented that rooftop equipment would need to be screened.

Ashlee LaRue, an FGCU student, stated that she has always remained in her car while having her car serviced at Valvoline.

- (2) Estero Medical Center
Administrative deviation action for property located at 10201 Arcos Avenue pursuant to LDC Section 33-57 to eliminate the side setback maximum dimension of 5 feet stated in Zoning Resolution Z-09-037, Part 2B. This is an apparent scrivener's error, which was noted by Village staff in the course of review of a pending commercial lot split application for this property. No prior development order approvals applied to this setback restriction. (District 4)

Board Member McHarris disclosed ex parte contact regarding the process and procedures with the architect for this request.

Community Development Director Gibbs provided a brief introduction.

Stacy Hewitt, AICP, Banks Engineering, through a PowerPoint presentation, explained that the property was located in the Plaza del Sol subdivision at the northeast corner of Corkscrew Road and Three Oaks Parkway. Ms. Hewitt provided the lot split site plan, and stated that the proposal was to split off the eastern portion of the site. She explained that during review of the lot split, a scrivener's error was discovered in the zoning resolution that indicated a minimum side setback of 0 feet, maximum of 5 feet. Ms. Hewitt stated that they were requesting a deviation to clean up the scrivener's error and remove the 5 foot maximum setback; substitute language would be minimum of 0 feet and no maximum. She added that the LDC required a 20 foot building separation, depending on building height.

Community Development Director Gibbs provided further information regarding the scrivener's error and stated that she believed it was intended to be a maximum of 50 feet.

Chairman O'Donnell called for public comment and no one came forward.

Ms. Hewitt clarified that they were asking for the scrivener's error to be corrected for the entire subdivision.

- (3) City Mattress at Coconut Point (across from Dillard's) (District 6)
 - Development Order Application not filed yet – Requesting Design Review Board input

Board Member McHarris disclosed ex parte contact regarding the process and procedures with the architect for this request. Board Member Prysi declared a conflict of interest regarding this agenda item at the beginning of the meeting.

Community Development Director Gibbs provided a brief introduction.

Tom McLean, Hole Montes, distributed a packet of information and provided detailed information regarding: location and indicated that a lot split and a re-plat would be necessary for the development; the building would be 12,200 sq. ft, located on west side of the property; large detention area and pre-existing buffer; parking on east side; landscape plan; architecture; and floor plan.

John Kukk, Kukk Architecture, referred to the architecture elevations and provided details regarding building design and materials.

Tom McLean, Hole Montes, addressed site lighting and pedestrian access.

Chairman O'Donnell called for public comment and no one came forward.

In response to an inquiry whether the applicant received comments from Coconut Point, Mr. McLean responded that there were no site plan issues. Mr. Kukk responded that they spoke with Coconut Point executives and architects and that discussion focused on tile, mechanical equipment screening, dumpster, and trim work.

In response to an inquiry regarding roof drainage, Mr. McLean provided a detailed explanation of the primary and secondary drains.

(e) Public Hearings

Note: Agenda item 5(e)(1) was considered prior to agenda item 5(d) Public Information Meetings.

- (1) Proposed Florida Veterinary Referral Center Development Order – 10100 Arcos Avenue at Plaza del Sol – Northeast Corner of Three Oaks Parkway and Corkscrew Road (District 4)

Community Development Director Gibbs provided a brief introduction.

Linda Stewart, Planner, David Douglas and Associates, reviewed information provided through a PowerPoint presentation at the November 12, 2015 Design Review Board meeting, which included: description of the proposed 2-story building, approximately

16,000 sq. ft., on a 1.25 acre parcel zoned CPD; an overall aerial of the subdivision; engineering concept plan; architectural elevations; photos of the existing Three Oaks Parkway entrance, signage, lighting, landscaping, fire hydrant, Estero Medical Center, car wash, and Three Oaks Parkway to the west; and landscape architectural plans.

Chairman O'Donnell called for Board Member declarations of ex parte communications; there were none.

Board questions and discussion followed related to the building entrance and architectural elevations. In response to an inquiry regarding style of architecture, Geoff Graham responded "Mediterranean." Board Member Prysi stated that the elevations were lacking in Mediterranean proportions and detail. Board Member McHarris referred to the west and north elevations and inquired about the roof, parapet, and roof top equipment. Mr. Graham stated that the intent was that the roof top equipment would be screened behind the parapet. Discussion continued regarding the west elevation and the height of the parapet.

Discussion followed regarding: the sidewalk and the need for direct connections to the public road and adjacent parcel; issues with the west elevations in the PowerPoint presentation not matching the printed version; and the architecture not reflecting Mediterranean style.

Craig Desario, David Douglas and Associates, described the landscape and buffer. Board discussion addressed concern regarding building visibility through the Royal Palms on Quente Way and on Three Oaks Parkway.

Discussion regarding signage followed. It was noted that they intended to have as much signage as permitted; however, they would come back for separate review; at the present time, the signage was depicted on the building. It was suggested that signage be prominent in order to alert clients of the entrance point, due to the nature of the emergency facility.

Discussion ensued related to: lack of architectural treatments on the west elevation; parapet above the signage; proportion issue on the southwest side of the west elevation and center of building; all mechanical equipment to be screened.

Chairman O'Donnell inquired how to proceed with the request. Attorney Stroud responded that the applicant could be asked if they wanted to request a continuance to make modifications and come back, or the Board could vote on a motion.

Chairman O'Donnell called for public comment and no one came forward.

Linda Stewart, Planner, David Douglas and Associates, requested a continuance.

(f) Workshops

None.

6. PUBLIC INPUT

None.

7. BOARD COMMUNICATIONS

(a) Committee Reports

None.

(b) Chairman's Reports

None.

(c) Member Reports and Comments

(1) Site Visits – Board Member Whitehead

Board Member Whitehead stated that at some point projects may require a site visit, referred to an article that she located online, as well as Florida Statute 286.0115(c)3 related to local officials conducting investigations and site visits.

Attorney Stroud addressed issues regarding site visits. She noted that the Design Review Board conducts quasi-judicial hearings and stated that there were no cases regarding site visits in quasi-judicial hearings. She noted that the legislature has tried to deal with ex parte communications by passing the referenced statute; however, the statute had not been tested constitutionally. Ms. Stroud further explained the issues with site visits and the need for information to be shared among the decision-making body; the person making the site visit could only explain what they saw; however, the entire Board did not have the same experience by seeing the same thing; the quality of the disclosure was the issue.

Board Member Prysi stated that he failed to see the issue. Attorney Stroud responded that there are things said that apply the code to the facts; the presentation of the facts was the duty of the party to the proceeding. She also stated that staff was able to make site visits as well as explain the facts. She continued that the Board's primary responsibility, as the "jury", was to apply the law to the facts presented. Ms. Stroud said that the applicant could invite the entire Board to a site as a public meeting; the problem was when a Board member made a solo visit to the site and brought back facts as a Board member. Discussion ensued.

Attorney Stroud stated that the Design Review Board was a different type of Board than they were used to and that the Board could ask the staff to investigate. She noted that the Board members were not to go a site and investigate; however, the option could be left open to do a group public meeting site visit.

(d) New Business

None.

8. ADJOURN

Board Member Tatooles moved to adjourn, seconded by Board Member Simons, called and carried unanimously, with Board Member Jones absent. Chairman O'Donnell adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Kathy Hall, MMC
Village Clerk